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SIPDIS

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SUBJECT: New Controls on Non-Listed Military End-Use Items

¶1. In response to Post inquiries about press reports concerning possible expansion in Japan's Export Control laws, Ministry of Economy, Trade and Industry, Export Controls Deputy Director Atsushi Tanizawa presented the following nonpaper in English to EconOff on September 8.

Begin Text:

Background

Two Cabinet Orders regarding security export control were revised on 27th of August 2008 in order to improve control on non-listed items for military end-use. Japan has broadened its target of control on non-listed items to cover not only export for weapons of mass destruction (WMD) and its means of delivery but also for conventional weapons.

Japan has been implementing WMD catch-all control since 2002 which requires exporters to apply for export license in case where the items in question are not on control lists but are or may be intended for a WMD proliferation program.

The revision is based on the Final Report of the Industrial Structure Council which was published in March 2008. Taking into account the Statement of Understanding on Control of Non-Listed Dual-Use Items, which was adopted at the 2003 Wassenaar Arrangement Plenary, the report suggested the Government of Japan to improve control on non-listed items for military end-use. The revision comes into effect on 1st of November 2008.

The New Control System

The Export Trade Control Order and the Foreign Exchange Order were revised. These two Cabinet Orders are under the Foreign Exchange and Foreign Trade Act.

The following is the new control, which depends on situation of countries of destination in order to control the items efficiently and effectively.

¶1. The New Catch-All Control on Countries under the UN Security Council Arms Embargo With regard to the exports destined for countries under the UN Security Council arms embargo, all non-listed items (except food, timbers etc.) are subject to the license requirement in case:

(1) exporters are informed by the Ministry of Economy, Trade and Industry (METI) that the items in question are or may be intended for a conventional military use, or  
(2) it is obvious that those items in question are intended for a conventional military use.

The Countries under the UNSC Arms Embargo (10 countries / regions)  
Afghanistan, Democratic Republic of Congo, Cote d'Ivoire, Iraq, Lebanon, Liberia, North Korea, Sierra Leone, Somalia, and Sudan.

## 12. The Countries Not under the UNSC Arms Embargo

With regard to the exports destined for countries not under the arms embargo, 32 non-listed but sensitive items are subject to the license requirement in case they are informed by METI that the items in question are or may be intended for a conventional military use.

The control is not applied to exports destined for following 26 countries:

Argentina, Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Republic of Korea, Luxemburg, Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Switzerland, United Kingdom, and United States

## 32 Items Subject to the New Military End-Use Control

NOTE: The list is not the full translation of the legal text. End Note.

11. Nickel or titanium alloys in block, stick, profile, line, plate or pipe form rated for operation at an ambient temperature above 573 K (+300C).

12. Hydraulic fluids containing any of the following:

- a. Phosphoric acid tricresyl ester (tricresyl phosphate);
- b. Tris (dimethylphenyl) phosphate; or
- c. Phosphoric acid trinormalbutyl ester.

13. Fibrous or filamentary materials as follows:

- a. Organic fibrous or filamentary materials;
- b. Carbon fibrous or filamentary materials; and
- c. Inorganic fibrous or filamentary materials.

Note 3.a. does not apply to natural fibrous or filamentary materials and polyethylene fibrous or filamentary materials.

TOKYO 00002462 002 OF 003

14. Anti-friction bearings rated for operation at an ambient temperature above 573K (+300C) and specially designed components therefore.

15. Machine tools and other equipments as follows and specially designed components therefore.

a. Machine tools and any combination therefore, for removing (or cutting) metals, ceramics or composites, which can be equipped with electronic devices for numerical control having any of the following:

11. Positioning accuracy with all compensations available less (better) than 0.01 mm according to ISO 230/2 (1988) along any liner axis; or

12. Rotary axes which can be coordinated simultaneously for contouring control.

b. Non-numerically controlled machine tools for generating optical quality surfaces; and

c. Dimensional inspection or measuring systems, equipment and "electronic assemblies" having three or more axes.

Note Machine tools, which can be used as measuring machines, are included if they meet or exceed the criteria specified for the machine tool function or the measuring machine function.

16. Secondary cells in which a lithium ion moves between the anode and cathode.

17. Waveform digitizers.

18. Robots specially designed for assembling printed circuit boards.

19. Digital computers having an Adjusted Peak Performance (APP) exceeding

0.5 Weighted TeraFLOPS (WT) and specially designed components therefore.

110. Telecommunication systems as follows and specially designed components therefore:

a. Radio transmitters; and

b. Radio receivers.

111. Phased array antennae.

112. Jamming equipment specially designed or modified to interfere with, deny, inhibit, degrade or seduce radio communication system and specially designed components therefore.

113. Passive Coherent Location (PCL) systems or equipment specially designed for detecting objects.

114. Optical detectors, cryocoolers specially designed for optical detectors and specially designed components therefore, and imaging equipment incorporating optical detectors.

115. Optical sensing fibers.

¶16. Lasers and specially designed components therefore.  
¶17. Magnetometers, underwater electric field sensors, magnetic gradiometers, intrinsic magnetic gradiometers, and specially designed components therefore.  
¶18. Gravity meters.  
¶19. Rader systems, equipment and assemblies, and specially designed components therefore.  
¶20. Accelerometers and specially designed components therefore.  
¶21. Gyros and specially designed components therefore.  
¶22. Inertial Navigation systems (INS), inertial equipment and specially designed components therefore.  
¶23. Devices for navigation or avionics as follows:  
a. Gyro-astro compasses and other devices which derive position or orientation by means of automatically tracking celestial bodies or satellites;  
b. Global navigation satellite systems (i.e., GPS or GLONASS) receiving equipment and specially designed components therefore;  
and  
c. Airborne altimeters.  
¶24. Underwater vision systems as follows:  
a. Television systems and television cameras;  
b. Television systems specially designed or modified for remote operation with a surface vessel or an underwater vehicle; and  
c. Photographic still cameras and lightning equipment specially designed or modified for under water use.  
¶25. Air independent power systems as follows:  
a. Brayton cycle engine air independent power systems;  
b. Diesel cycle engine air independent systems;  
c. Fuel cell air independent power systems; and  
d. Stirling cycle power systems.  
¶26. Self-contained open circuit diving and underwater swimming apparatus.  
¶27. Gas turbine engines and specially designed components therefore.  
¶28. Rocket propulsion systems and specially designed components therefore.  
¶29. Equipment specially designed for the production of equipment specified by 27. or 28. as follows and specially designed components therefore.  
a. Controlled atmosphere (vacuum or inert gas) induction furnaces;  
and

TOKYO 00002462 003 OF 003

b. Electron beam melting furnaces.  
¶30. Aircraft and components therefore.  
¶31. Vibration equipment, wind-tunnels, environmental chambers and specially designed components therefore, specially designed for the development or test of rockets or aircraft.  
¶32. Flash X-ray generators. Note 32 does not apply to flash X-ray generators designed for medical purposes.

End Text